

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NUMBER 00-6311-CR-HUCK

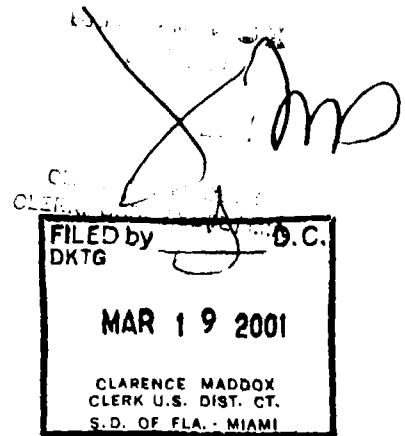
UNITED STATES OF AMERICA,

Plaintiff,

VS.

CLARENCE LARK, Et Al.

Defendants



GOVERNMENT'S RESPONSE TO MOTION FOR BILL OF PARTICULARS FILED BY
DEFENDANT NEWTON

Comes now the United States and hereby files its response to Defendant Newton's motion for a Bill of Particulars.

I Introduction

The defendant has moved for a Bill of Particulars seeking disclosure of the specific times and dates of every narcotics distribution that occurred during the course of the conspiracy. As discussed below, the defendant is seeking the disclosure of the evidentiary details of the government's case. This is not required. In addition, the United States observes that it has disclosed in the discovery process summary charts that set forth many of the narcotics importations and distributions that occurred during the course of the conspiracy.

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271

II The Motion for a Bill of Particulars Should Be Denied

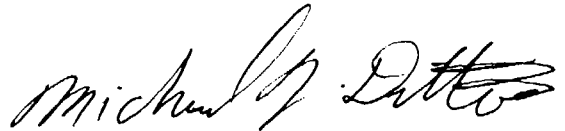
The purpose of a bill of particulars is to inform the defendant of the charge in sufficient detail to enable to enable adequate defense preparation and to minimize surprise at trial and to enable the defendant to plead double jeopardy in a subsequent prosecution. United States v. Anderson, 799 F.2d 1438, 1441 (11th Cir. 1986) ("Generalized discovery...is not an appropriate function of a bill of particulars and is not a proper purpose in seeking the bill."); United States v. Warren, 772 F.2d 827, 837 (11th Cir. 1985); United States v. Colson, 662 F.2d 1389, 1391 (11th Cir. 1981)).

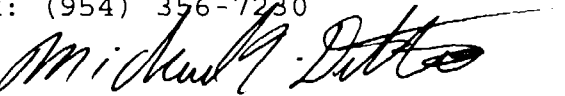
Defendant Newton is seeking the disclosure of the specific locations where the criminal activity occurred and the identity of all co-conspirators. In a massive conspiracy case such as this, the disclosure of this type of evidentiary detail would create a de facto rule mandating open file discovery. This is neither the function nor the purpose of a Bill of Particulars. In United States v. Colson, the Eleventh Circuit affirmed a district court's denial for a Bill of Particulars that requested similar information now sought by Defendant Newton. 662 F.2d at 1391. The information requested by the defendant is the type of evidentiary detail that is not the proper subject of a motion for a bill of particulars.

III Conclusion

The Motion by Defendant Newton for a Bill of Particulars
should be denied.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 14th

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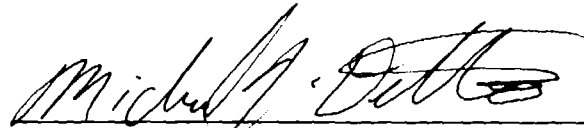
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A handwritten signature in black ink, appearing to read "Michael J. Dittoe", written over a horizontal line.

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